

III. REMARKS

Claim Status

Claims 1, 3-8, 10, 13 and 20-24 are in the application and stand rejected. Claims 2, 9 and 11-19 have been withdrawn. Amendments to the claims have been presented after final rejection. An advisory action with regard to those amended claims has not been received by applicant.

The rejection of claims 1, 3-8, 10, 13 and 20-24 is traversed.

Claim Rejection 35 U.S.C. 102(b)

Claims 1, 3-8, 10, 13, 120, 21, and 24 stand rejected over Riediker et al. USP 4,857,654.

It is asserted in the action that Riediker et al. teach the presence of a compound with carbon-carbon unsaturation, namely dialkylaminorriethyldifluorobromophenyl"

Applicants traverse.

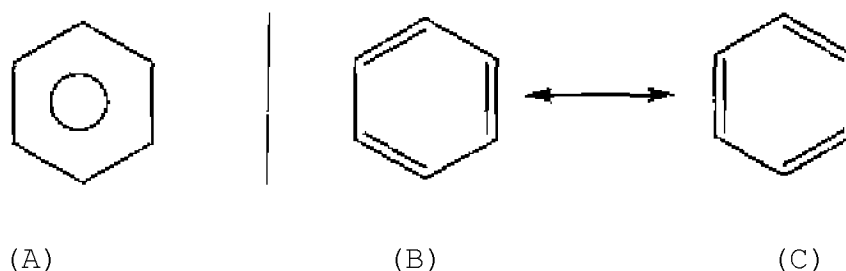
Riediker mentions methods of making titanocene derivatives substituted by tertiary aminomethyl groups, and generically refers to dialkylaminomethyldifluorobromophenyl lithium compounds; however, Riedeker actually fails to describe any titanocene compound (see, for example, col. 5, lines 24-35 and the Examples at col. Col. 15) having an amino group therein.

Applicants submit that for at least this reason, Riediker et al. does not anticipate Applicants claimed subject Matter.

However, to clarify the issue even further, in the amendment after final Applicants have amended claims 1, 3-8, 10, 13, 20-21,

and 24 to recite amines having a "carbon-carbon double bond". Amines having a carbon-carbon double bond are not described in Riediker.

Riediker arguably alludes to titanocenes having aromatic groups (i.e., dialkyl-amino methyl difluoro bromophenyl groups), but such compounds do not have carbon-carbon double bonds therein. The aromatic carbon-carbon bonds are a hybrid bond typically depicted as represented by formula (A), or as Kekule structures, that is, as a hybrid of formulae (B) and (C).



Such compounds are not considered to be comprised of carbon-carbon double bonds. Bonds between adjacent carbon atoms on (A) - (C) are neither single nor double bonds; rather they are a hybrid of single and double bonds.

In contrast, Applicants claimed subject matter (as also exemplified in Applicants' representative examples and in Table 1 of Applicants' specification) contains carbon-carbon double bond containing amines. As such, any alleged teaching of compounds (i.e., titanocenes in the Action) by Riedeker fails to anticipate Applicants' claimed subject matter.

Moreover, the assertion in the Final Office Action that "triethylene glycol dimethacrylate" described in Riediker et al. is an example of a hydroxyl bearing unsaturated ester is incorrect.

"Triethylene glycol dimethacrylate" has no hydroxy group. Applicants additionally submit that for at least this reason, the assertion in the Action that Riediker et al. anticipates Applicants' claimed subject matter is incorrect.

For all the above reasons, applicant believes the 34 USC 102 (b) rejection is improper and should not be upheld.

Claim Rejection - 35 USC 103

Claims 1-3, 8, 10, 3 and 20-24 stand rejected as being obvious over Riediker et al., USP 4,847,654.

As stated above in response to the rejection under 102(b), the assertions in the Action that Riediker et al. "teach the presence of an amine compound with carbon-carbon unsaturation, namely dialkyl aminomethyl difluoro bromophenyl ...," is an overbroad interpretation as there is not a single example of a dialkyl amino methyl difluoro bromophenyl compound as disclosed by Riediker.

As stated above, the assertion in the Action that "triethylene glycol dimethacrylate" described in Riediker et al. is an example of a hydroxyl bearing unsaturated ester is incorrect. The triethylene glycol dimethacrylate compound has no hydroxy group, and therefore cannot be suggestive of a hydroxyl bearing unsaturated ester to one of ordinary skill.

It is well established that all limitations must be taught or suggested in order to establish a *prima facie* case of obviousness.

See, MPEP 2143.03. The references must be viewed without the benefit of impermissible hindsight afforded by the claimed invention.

Here, the sole reference does not disclose or suggest hydroxyl bearing unsaturated esters.

Further Riedeker et al. does not disclose carbon-carbon double bonds as required by the amendment in applicant's response.

Thus, Applicants submit that a *prima facie* case has not been made out in the Action.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 50-3894.

Respectfully submitted,

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